

UNITED STATES DEPARTMENT OF JUSTICE
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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

IN RE:	§	CASE NUMBER:
	§	
STAR EMS	§	13-70072-M-11
	§	
DEBTOR	§	CHAPTER 11

**EMERGENCY MOTION OF THE UNITED STATES TRUSTEE TO CONVERT DEBTOR'S
CASE TO CHAPTER 7**

LOCAL RULE 9013-1(i) NOTICE:

Emergency relief has been requested. If the Court considers the motion on an emergency basis, then you will have less than 21 days to answer. If you object to the requested relief or if you believe that the emergency consideration is not warranted, you should file an immediate response.

**The Court will hold a hearing on March 6, 2013 at 9:00 A.M., in
Brownsville, Texas**

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

TO THE HONORABLE RICHARD S. SCHMIDT
UNITED STATES BANKRUPTCY JUDGE:

COMES NOW, JUDY A. ROBBINS, UNITED STATES TRUSTEE, ("UST"), through the undersigned counsel, who respectfully requests the Court to convert the above referenced case to chapter 7 on an emergency basis. In support of her Motion to Convert the Debtor's Case to Chapter 7 ("Motion"), the UST states the following:

1. Star EMS, Inc. (“Debtor”) filed its second chapter 11 case under the Bankruptcy Code on February 8, 2013 (“Petition Date”).
2. On the date of filing this Motion, the Debtor has been in bankruptcy for 22 days from the Petition Date, including the end date March 1, 2013. To this date, the Debtor has not filed its schedules, Statement of Affairs, and documents required in accord with 11 U.S.C. § 521.
3. The Debtor is required to file these documents within 14 days of the Petition Date, or seek an extension of time with in the deadline, in accord with F.R.B.P. 1007. The Debtor has failed to file the documents timely, and has failed to file a motion for an extension of time.
4. On February 26, 2013, the UST held an initial debtor conference (“IDC”) in Harlingen, Texas, to determine the nature of the case in preparation for a Bankruptcy Code section 341 meeting of creditors the UST will hold on March 19, 2013.
5. Valerie Goodwin, bankruptcy analyst for the UST, requested documents, including the schedules and Statement of Affairs, in three emails to the Debtor’s attorney, prior to the meeting. The Debtor did not produce any of the requested documents prior to, or at the meeting. Counsel, Jose Luis Flores, who is charging \$300 per hour for his services, represents the Debtor. The Debtor did not have valid excuses for its failure to produce documents. The Debtor has bankruptcy counsel who is charging at an experienced rate, and this is the Debtor’s second bankruptcy case.
6. Based on the Debtor’s dilatory conduct in this case, and its demonstrated failure to comply with the Bankruptcy Code in its prior case, the UST seeks conversion of this case because it is unlikely the Debtor will confirm a plan of reorganization. The Court may consider this probability and convert a case to chapter 7 based on the likelihood that the Debtor will not confirm a plan of reorganization in accord with 11 U.S.C. § 1112.
7. Additional cause exists to convert this case to chapter 7. See 11 U.S.C. 1112 (b) (4) (F), “unexcused failure to satisfy timely any filing or reporting requirement established by this title or by any rule applicable to a case under this chapter, and failure to provide information or attend meetings reasonably requested by the United States Trustee. . .”, in accord with 11 U.S.C. § (b) (4) (H).

Wherefore, premises considered, based upon the Debtor’s failures, the UST respectfully requests the Court to order conversion of this case to chapter 7, and for any additional relief as may be equitable and just.

Dated: March 1, 2013

Respectfully submitted,

JUDY A. ROBBINS
UNITED STATES TRUSTEE

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